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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

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13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 vs.
16 PAUL EDWARD DAVIS,
17 Defendant.

18 **2:13-cr-301-APG-CWH**

19 **GOVERNMENT'S MOTION FOR**
LEAVE TO FILE LATE RESPONSE
AND PARTIES' STIPULATION TO
CONTINUE GOVERNMENT'S
DEADLINE TO RESPOND TO
MOTION TO SUPPRESS

20 COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United
21 States Attorney, and AMBER M. CRAIG, Assistant United States Attorney, and respectfully moves
22 this Court for leave to file a late response to Defendant Paul Davis's Motion to Suppress Evidence.

23 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
24 States Attorney, and Amber M. Craig, Assistant United States Attorney, counsel for the United
25 States of America, and Terrence Jackson, Esq., counsel for Defendant Paul Davis, that the
26 Government's deadline to respond to the Defendant's Motion to Suppress, currently set for February
27 2, 2014, be vacated and continued for three weeks, or to a date to be set at the Court's convenience.

28 This stipulation is entered into for the following reasons:

29 1. Government counsel inadvertently calendared the response deadline incorrectly.
30 Government counsel has always filed timely responses with the Court.
31
32 2. Due to Government counsel's current case load, in conjunction with Government

resource and staffing issues, Government counsel needs additional time to prepare its response.

3. Defense counsel recently filed a motion to withdraw as counsel.

4. The Defendant is incarcerated and does not object to the continuance.

5. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

7. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

8. This is the first request for a continuance filed herein.

DATED this ____ day of February, 2014.

DANIEL G. BOGDEN
United States Attorney

/s/ Terrence Jackson
TERRENCE JACKSON, ESQ.
Counsel for Defendant Davis

/s/ *Amber M. Craig*
AMBER M. CRAIG
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-00-

UNITED STATES OF AMERICA,
Plaintiff,
vs.
PAUL EDWARD DAVIS,
Defendant.

2:13-cr-301-APG-CWH

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Government counsel inadvertently calendared the response deadline incorrectly.

Government counsel has always filed timely responses with the Court.

2. Due to Government counsel's current case load, in conjunction with Government

resource and staffing issues, Government counsel needs additional time to prepare its response.

3. Defense counsel recently filed a motion to withdraw as counsel.

4. The Defendant is incarcerated and does not object to the continuance.

5. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.

6. Additionally, denial of this request for continuance could result in a miscarriage of

justice.

7. The additional time requested by this Stipulation is excludable in computing the time

8. within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18.

United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18,

United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the Government's deadline to file its response to Defendant's Motion to Suppress, currently scheduled for February 2, 2014, be vacated and continued to the 24th day of February, 2014.

DATED 1 February 5, 2014.

HONORABLE CARL HOFFMAN
UNITED STATES MAGISTRATE JUDGE